

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD MACK,
Plaintiff

v.

UNITED STATE OF AMERICA, *et al.*,
Defendants

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: CIVIL NO. 1:13-CV-280
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O R D E R

AND NOW, this 1st day of March, 2013, upon consideration of the report and recommendation of the magistrate judge (Doc. 7), filed February 6, 2013, to which no objections were filed, and upon independent review of the record, it is ORDERED that:

1. The magistrate judge's report (Doc.7) is adopted.
2. Petitioner's motion for leave to proceed *in forma pauperis* (doc. 2) is GRANTED.
3. Plaintiff's FTCA claims are dismissed as to the individual defendants, Warden Ronnie Holt and Food Service Administrator Ryan.
4. Plaintiff's Bivens claims against the United States are dismissed.
5. The clerk of court is directed to issue process to the United States Marshal, who shall serve the Plaintiff's Complaint (doc. 1) upon the Defendants, the United States, Warden Ronnie Holt, and Food Service Administrator Ryan, in accordance with Rule of Civil Procedure 4(i).

6. The above-captioned case is remanded to the magistrate judge for further proceedings, including a Report and Recommendation on dispositive motions, if necessary.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge